

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

MaKesha Michelle Smith,	)	
	)	Civil Action No. 6:12-2533-TMC-JDA
Plaintiff,	)	
	)	<b>OPINION &amp; ORDER</b>
v.	)	
	)	
St. Francis Hospital, Anthony J. Marcavage,	)	
JoAnn Taylor, Shauna Green,	)	
	)	
Defendants.	)	
_____	)	

The plaintiff, MaKesha Michelle Smith (“Smith”), proceeding pro se, brought this action against the defendants alleging job discrimination. (ECF No. 1.) Specifically, Smith alleges that she was improperly terminated while on leave under the Family Medical Leave Act due to serious health conditions. The defendant, Anthony J. Marcavage (“Marcavage”), has filed a motion to dismiss. (ECF No. 23).

Pursuant to 28 U.S.C. § 636(b) and District of South Carolina Local Civil Rule 73.02(B)(2), this case was referred to a magistrate judge for all pre-trial proceedings. This matter is now before this court on the magistrate judge’s Report and Recommendation (“Report”), recommending that the court grant the motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) because Smith’s complaint failed to state a claim against Marcavage. (ECF No. 67.)

Smith was advised of her right to file objections to the Report. (ECF No. 67-1). On July 29, 2013, Smith filed a document entitled “Answers to the Recommendation of Magistrate Judge” (ECF No. 76), which states, in part: “I respectfully agree with you Your Honor by dismissing the case against Anthony J. Marcarvage because I wrongfully included him in the

case”. Smith’s response further states: “I am not stating a claim against Marcavage under the FMLA ....” (ECF No. 76 at 8). Defendants, St. Francis Hospital, JoAnn Taylor and Shuana Green, filed a response to Plaintiff’s Answer. (ECF No. 78).

In light of Smith’s statements and the Report’s apt analysis, and after a thorough review of the record in this case, the court adopts the Report and incorporates it herein. Therefore, the court grants Marcavage’s motion to dismiss (ECF No. 23).

**IT IS SO ORDERED.**

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
July 31, 2013